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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

SUSAN L. BENSON, d/b/a BENSON) NO. 11-03679-FLK11
FAMILY FUNERAL SERVICE INC.,)
)
Debtor.) AFFIDAVIT OF
) VICTOR C. JANSEN
)

STATE OF WASHINGTON)
) ss.
COUNTY OF GRANT)

COMES NOW, Victor C. Jansen, who deposes on oath and states as follows:

I and the owner and holder of a real estate contract which is dated May 30th, 1997, under Grant County Auditor's file #1008431. I am now the holder of the Seller's interest in the contract as a result of a Deed and Seller's Assignment of Real Estate Contract dated June 22, 2011, from Terry J. Simpson and recorded under Grant County Auditor's file #1287835.

The legal description of the real property subject to this Notice of Intent to Forfeit is:

The Southeast Quarter of the Northwest Quarter of Section 18, Township 22 North, Range 27 E.W.M., Grant County, Washington;
Together with an easement for ingress and egress on the South 60 feet of the North half of the Northeast Quarter of Section 18, Township 22 North, Range 27 E.W.M., and an additional 60 feet to-wit: The South 120 feet of the North half of the Northeast Quarter beginning 1080 feet West of the centerline of High Hill Road and continuing West for 200 feet, Section 18, Township 22 North, Range 27 E.W.M., and the South 30 feet of the Northeast Quarter of the Northwest Quarter of Section 18, Township 22 North, Range 27 E.W.M., from the Southeast corner and continuing West for 60 feet.

Grant County Assessor's Tax Parcel No. 16-1891-000 and 16-1891-001

1. Affidavit of Victor C. Jansen

The fair market value of the property is \$107,670.00 in accordance with the Grant County Assessor's valuation.

The following defaults have occurred under the Real Estate contract:

- (a) Failure to pay principal and interest in the amount of \$9,685.68;
- (b) Failure to pay real estate taxes for the years 2008, 2009, 2010, 2011 and 2012 in the amount of \$9,056.91. The moving creditor has paid the 2008 and 2009 property taxes assessed against the property;
- (c) Committing waste upon the real property and failing to maintain the real property in good repair. See Exhibit "A" attached hereto and incorporated herein by reference.

The Real Estate Contract was forfeited as to Mark Benson, American Tower, L.P., a Delaware limited partnership, Global Mortgage and Credit, LLC, a Montana limited liability company, and Brian Ragen, Attorney at Law, by recording of a Declaration of Forfeiture of Real Estate Contract, dated December 7th, 2011 and recorded December 8th, 2011, records of Grant County, Washington, under Grant County Auditors file #1293782, a copy of the recorded Declaration of Forfeiture is attached hereto and incorporation herein by reference and marked as Exhibit "B". The current balance due on the real estate contract according to Adept Escrow Services Inc., (where the contract is escrowed) is the sum of \$102,369.22, plus interest at 8% per annum from July of 2011, and plus the delinquent taxes which are due, as previously set forth herein.

A Decree of Dissolution of Marriage was filed in the Superior Court of Grant County, Washington on November 23, 2011, in case #09-3-00384-0, wherein Susan L. Benson was the Petitioner and Mark Benson was the Respondent. The Decree of Dissolution in pertinent part awarded property to the husband, Mark Benson, described as, Soap Lake Property SENW 18 22 27 E 60' (subject to all existing liens and encumbrances). Further the Decree, pursuant to the division of debt awarded to the husband, Mark Benson, the debt owed on the contract to Terry J. Simpson which is now owed to me, for the purchase of the Soap Lake property and the taxes owing on the Soap Lake property. The tax parcels which are subject to this motion and Real Estate Contract are specifically described as, Tax Parcel #16-1891-000 and #16-1891-001.

It is respectfully submitted as a result of the entry of the Decree of Dissolution in Grant County Superior Court, that the Debtor, Susan L. Benson and the estate of the Debtor in the present bankruptcy case, #11-03679-FLK11, no longer have an interest in the real estate property described herein and there is no equity in the property as a result of the substantial defaults, and the property is not necessary to an effective reorganization.

If it is determined that the estate of Susan L. Benson, d/b/a Benson Family Funeral Service Inc., has an interest in the property, then it should be noted that in addition to the debt on the contract which is presently in the amount of \$102,369.22, plus interest and taxes, there is a recorded mortgage from Mark Benson and Susan L. Benson, husband and wife, dated December 20th, 2007, in the amount of \$550,000.00 dollars and the mortgagee is Global Mortgage and Credit, LLC. The mortgage is recorded under Grant County Auditors file #1228841 and an assignment of rents was given on the same date in accordance with a recorded document found in Grant County Auditor's file #1228846. Consequently, the property is encumbered far in excess of its value and it is not necessary for an effective reorganization, and the estate does not have any equity in the property.

Finally, it is submitted that the moving creditor, Victor C. Jansen, is not being provided with adequate protection in the property because payments are not being made and have not been made since June of 2011.

/s/ Victor C. Jansen

SUBSCRIBED AND SWORN to before me this 26th day of June, 2012.

/s/ Julie Wilkins

Notary Public in and for the State of
Washington, residing at Moses Lake.
My appointment expires: 07/05/2014.

3. Affidavit of Victor C. Jansen